UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL A. WILSON,

        Plaintiff,

                                          Case No. 12-cv-12073
v.   HON. GERSHWIN A. DRAIN

COMMISSIONER OF SOCIAL
SECURITY,

        Defendant.

ORDER DISMISSING ACTION WITHOUT PREJUDICE

Plaintiff filed the instant action seeking review of a denial of social security benefits and an application to proceed *in forma pauperis* on May 8, 2012. Thereafter, the matter was assigned to Magistrate Judge Mona K. Mazjoub to conduct all pretrial proceedings.

On May 11, 2012, Magistrate Judge Mazjoub entered an Order granting Plaintiff's application to proceed *in forma pauperis*. The Summons was issued on May 30, 2012. Accordingly, service of the Summons and a copy of the Complaint had to occur no later than September 28, 2012. *See* Fed. R. Civ. P. 4(m)("If a defendant is not served within 120 days after the complaint is filed, the court–on motion or on its own after notice to the plaintiff–must dismiss the action without prejudice against that defendant or order service be made within a specified time.").

Plaintiff failed to serve the Summons and a copy of the Complaint on Defendant, therefore on October 25, 2012, Magistrate Judge Mazjoub entered an Order for Plaintiff to Show Cause why the action should not be dismissed for failure to comply with Federal Rule of Civil Procedure 4(m). *See* Dkt. No. 8. Magistrate Judge Mazjoub's Order required Plaintiff to show cause in writing no later than November 9, 2012. Plaintiff has failed to respond in writing to Magistrate Judge

Mazjoub's Order to Show Cause, or otherwise proceed with the prosecution of this action.

Accordingly, this case is DISMISSED without prejudice for failure to comply with Federal Rule of

Civil Procedure 4(m).

     SO ORDERED.

Dated: December 13, 2012

                         /s/ Gershwin A.Drain
                         GERSHWIN A. DRAIN
                         UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
December 13, 2012, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk